



European Communities Trade Mark Association

27th Annual Meeting in KILLARNEY PRESIDENT'S REPORT

June 2008

My term of office to the Association as President has come to an end and I would like to make my final report through a brief review of the Action Plan for 2006-2008, presented at the Council meeting held in Prague, in October 2006 so that we may evaluate the state of projects and objectives of ECTA.

1. The first point of the Action Plan was to stabilise the financial situation of ECTA. The Treasurer's report will show that ECTA's financial condition is good. Reserves are being kept thanks to the surplus of the Annual Conferences, which have been very well attended in the last years. Reserves are needed to face extraordinary expenses and payment of deposits for future meetings. The increase of the membership fee in 2008 has also helped to stabilise the financial situation.
2. The second point was to increase membership, particularly in new Member States. This objective has been reached since membership has grown during these two years more than ever before: 157 applications were finalised in 2007, and this year we have received 72 new membership applications. The report of the Membership Committee will provide more detailed information.
3. The third point was particularly important to ECTA's activities: to establish a relationship with National Offices. Work is in progress in this direction. Regular Flashes are sent to National Offices. Representatives of National Offices are also invited to our meetings and round tables. In this context, ECTA has set up a special Working Group, which should work in coordination with the Law Committee (and could also be supported by the Harmonization Committee) with the objective to analyse the functioning of the trade mark systems in Europe. The final objective of this group is to draft a Position Paper on the Future Development of Trade Marks in Europe under the supervision of the Management. This Position Paper should be ultimately approved by ECTA Council, and subsequently delivered to the European Commission and also sent to National Offices.

ECTA has also launched a new project consisting of the organisation of round tables or seminars in which both OHIM and a National Office are invited to discuss, with industry and professional representatives, how the systems work.

A first Round Table was held recently with OHIM and the Benelux Office for Intellectual Property with very positive results. The presentations and debate will be published in next Autumn Gazette. This will be the start of a series of Round Tables with other National Offices to further study the Community and National trade mark systems. The next one with the German Patent Office is under way and will hopefully take place before the end of 2008. Other countries could be Spain, Denmark, Czech Republic, i.a.

4. The fourth point was to cooperate with Universities and specialised IP Law Schools and obtain recognition as a training provider by professional institutions. We are



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already recognised as a credit points provider by the UK Law Society, the UK Institute of Legal Executives, the UK Institute of Trade Mark Attorneys, UK Bar Standards Board and the *Ordre des barreaux francophone et germanophone* in Belgium.

The Professional Affairs Committee (PAC) is preparing a Survey on those countries where credits for continued education are required in order to explore other institutions with which ECTA could cooperate.

The PAC has also prepared a survey on Universities and specialised Law Schools in different Member States and we have contact details. Contact has been made in some cases and Flashes were offered.

We should continue our efforts in this connection. Some proposals will soon be made by the new Management and the PAC.

5. The fifth point was to improve our relationship with the European Commission, extending our contacts to DGs other than Internal Market. ECTA recently met with representatives of the Commission DG-MARKT. It is believed that co-operation with them could be strengthened, in particular in the framework of the study of the trade mark systems in Europe. Also, in April 2008 members of the Anti-Counterfeiting Committee of ECTA held a meeting with the new Enforcement Unit of DG-MARKT. We are already in contact with DG TRADE, DG-TAXUD and, if necessary, we should try to establish contact with other DGs. The next Management should pursue this objective.
6. The sixth point was to continue our contacts with OHIM and WIPO and extend our contact as far as possible to other organisations such as WTO, WCO.

ECTA has continued its cooperation with OHIM and WIPO.

- With OHIM, as explained before, apart from holding our regular OHIM-Link meetings, which are fruitful and in a good atmosphere, and apart from participating in the OAMI Users Group, we have started the project of Round-Tables with the National Offices, which they have accepted to participate in.
- With WIPO apart from our annual meeting with them, which took place last April, ECTA attended the WIPO Meetings of the Standing Committee on the Law of Trade Marks, Industrial Designs and Geographical Indications (SCT), the meetings of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, and will attend the meeting of the WIPO Ad Hoc Working Group on the Nice Union on the International Classification of goods and services for the purposes of the registration of marks, to take place in Geneva at the end on June and beginning of July. ECTA also participates in the forum on Replacement (Article 4 *bis* (1) of the Madrid Agreement) and is exploring whether to organise a joint seminar with WIPO on designs in particular on the link between the Community Design and The Hague Agreement.
- The new Management should pursue the objective to establish regular contacts with WTO and WCO.

I hope that with these new projects of Round-Tables and the preparation of a Position Paper on the Future Development of Trade Marks in Europe, the results of the efforts made by



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ECTA and its contribution to the development and improvement of IPR protection in Europe will be more visible and have more impact.

This finalises the report as far as the main points of the Action Plan are concerned.

I believe that we have corrected some weaknesses of the association and have been able to intensify its strengths.

It is important to point out that, from an internal point of view, it has been possible to set up an effective professional structure of the ECTA Secretariat. Many activities that were performed externally are now undertaken internally, such as many accountancy aspects, the monitoring and putting in place of ECTA publications, the management of the membership fees and related correspondence with members. The technical IT structure has also been improved and we have set up an agreement with an IT provider on a professional basis, which works efficiently.

As you know, Sandrine Peters will leave the association in July this year and we must congratulate her for her extraordinary work. We are all very grateful to her, not only for all she has done, but also because with her performance we have been able to diagnose what the actual role of the Legal Coordinator is and to determine what the needs of ECTA are for a stable and efficient professional structure in the future. We are looking for a new Legal Coordinator and we know very well what the profile is that we need. The selection process is well in advance and I would like to thank Annick Mottet Haugaard for her work in this connection.

As you know, an objective of ECTA was to move its location from Antwerp to Brussels. We expect that the move will become effective as from the first quarter of 2009. With this move, the retirement of Sue van Looy has been anticipated. All the arrangements for her retirement have been made and the transfer of responsibilities from her to Cathy van Vuuren is also in process. I wish to personally thank Sue van Looy for her continued and efficient cooperation with ECTA for such a long time and also for the duties she still has to undertake until the move to Brussels. I wish to thank also Cathy van Vuuren for her good work so far and also for having accepted to continue with us and take over higher responsibilities. The continuity of an efficient and professional Secretariat is therefore secured for the future.

Another important aspect to report on is the representation of the different EU Member States at ECTA Council, which will now be almost complete. With this year's elections we have representatives from all EU Member States, except Slovakia. This is a step forward with respect to last year, where one representative from Bulgaria and a representative from Malta were still missing. We welcome all new Council members most warmly.

Last year's conference in Deauville took place from June 20 to 23 under the title "And.... Action! – Producers need their IP Experts before every take". The conference was very well attended with a record number of around 800 participants. It was a huge success both professionally and socially. We must all thank the organisers and in particular Isabelle Leroux, Sylvie Harding, Maryse Philbert and Claire Lauga for an excellent job.

The success of our events in the past years has led to an outstanding attendance also for the present conference in Killarney. We are around 700 participants. Bearing in mind that this year's INTA Conference in Berlin was very close to our event and that many overseas members have not been able to travel twice to Europe, it is still a significant number which exceeds all previous conferences, with the exception of Deauville.

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After our last Annual Meeting in Deauville, the Association continued its activities as follows:

- The Management Committee met three times, twice in Barcelona and once in Brussels.
- The Council and Committee meetings took place in the beautiful city of Riga in October, 2007. The meeting was very well organized by the Latvian members of ECTA under the direction of Armins Petersons. I take this opportunity to thank him once again. We adopted a new format for the Committee reports with an open session on Friday afternoon in which the activities and projects of the Committees were presented and time for questions and debate was provided. This new format proved to be interesting since it allowed more time for Committee chairs to explain their activities and enabled the rest of Committee members to be aware of what's going on and to which extent the different Committees can cooperate with each other. It also allowed more time for the Council Meeting.

At this point of my report, I wish to sincerely thank all Committee members, chairs, vice-chairs and secretaries for the task they are developing which is the core of ECTA's activities. The relevant Committees will report on this important aspect, which will allow us to appreciate how many projects are ongoing and how many position papers have been prepared this year.

Apart from the Management and the Council and Committee Meetings, ECTA has participated in many other events. I will not list them all, but I would like to highlight the main ones:

- Our yearly meeting with the sister associations, APRAM, BMM, GRUR, ITMA and MARQUES, hosted by BMM, took place in Brussels in February 2008. UNION was admitted as a new member of the group. The need to try to join efforts in order to strengthen our position in those areas where we have the same targets was emphasised.
- ECTA has been invited to conferences of other NGOs such as APAA, GRUR, UNION, BMM, MARQUES, AIPPI, APRAM and ASIPI. In respect of the latter we were invited to make a presentation on our Association to its Administrative Board in Cartagena de Indias, Colombia, last November.
- This year it is also worth underlining the ECTA presence at the 130th INTA Conference, which took place in Europe, namely in Berlin, last May. We organised a party on Sunday 18 May, which was extremely well attended, with nice food and good music. Also, as previously done at Seattle 1994 and Amsterdam 2003, ECTA hosted an exhibition stand, which attracted a good deal of attention and interest, as well as many visitors. A number of application forms were completed on the spot and many more taken away for consideration and completion. I think that these two events will prove useful to increase the awareness of our Association.

We cannot forget either the ECTA Publications. In the first place, we have the bimonthly Flash with hot issues, up to the minute information and case law updates supplied by DARTS-IP, extremely useful and very well appreciated by ECTA members. We have also published two ECTA Gazettes, under Nos. 55 and 56, which include interesting articles and two Surveys completed by the Harmonization Committee namely:

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- Survey on Trade Mark Issues related to Geographic Designations
- Survey on the Calculation of the Starting Date for the 5 Years Use Requirement

and one by the Anti-Counterfeiting Committee, namely:

- Survey on Monetary Compensation for Trade Mark Infringement - as applied in the Courts of the European Union

We also published two Law Books

Law Book VII - Design

Law Book VIII – Domain Name

Also, the organisation of ECTA Round Tables at local level, apart from the one in The Hague already mentioned, continued on different topics:

September 7, 2007 – Brussels, Belgium
“New Weapons in the Fight Against Counterfeiting
in the Heart of Europe”

January 17, 2008 -London, UK- in collaboration with ITMA
"Working with Dots"
Domain Name Management Issues

April 17, 2008 – Budapest, Hungary
Enforcement at different levels
cooperation with customs and recent developments of domain disputes

All these activities have been carried out and this responds to a joint effort. I wish to thank all those who have contributed to making effective ECTA's projects, and also the ECTA Secretariat, Sue Van Looy and Cathy Van Vuuren for their efficient work and support, our Legal Coordinator, Sandrine Peters, for her time, efforts and professionalism, and my colleagues in the Management, Keith Havelock, Secretary General, Jaroslaw Kulikowski, Treasurer, Simon Reeves, who will now become your President, Annick Mottet-Haugaard, who will become your First Vice-President, and Domenico de Simone, who has accepted to become the next Second Vice-President of ECTA. We warmly welcome him in the Management team.

This ends my report. But I would not like to finish without saying that it has been an honour and a rewarding experience to serve ECTA and its members.

Mireia Curell
ECTA President